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July 22, 2005

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36 East Seventh Street
Suite 2110
Cincinnati, OH 45202

RE: Case No. 2005-00228

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth O'Donnell".

Beth O'Donnell
Executive Director

BOD/jc
Enclosure

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF DUKE ENERGY CORPORATION,)
DUKE ENERGY HOLDING CORP., DEER ACQUISITION)
CORP., COUGAR ACQUISITION CORP., CINERGY CORP.,) CASE NO.
THE CINCINNATI GAS & ELECTRIC COMPANY, AND THE) 2005-00228
UNION LIGHT, HEAT AND POWER COMPANY FOR)
APPROVAL OF A TRANSFER AND ACQUISITION OF CONTROL)

O R D E R

This matter arising upon the motion of The Kroger Co. ("Kroger") filed July 19, 2005, for full intervention, it appearing to the Commission that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motion of Kroger to intervene is granted.
2. Kroger shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should Kroger file documents of any kind with the Commission in the course of these proceedings, it shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 22nd day of July, 2005.

By the Commission

ATTEST:


Executive Director

Case No. 2005-00228